

### REMARKS

Claims 23 to 27 are added, and therefore claims 11 to 27 are pending in the present application.

In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for accepting the drawings, for acknowledging that all copies of the certified priority documents have been received, and for considering and making of record the references listed in the previously filed IDS and 1449 papers.

Claims 12 to 22 were rejected as anticipated by EP 1 285 842 ("Yamamura").

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejections, to the extent that the Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Office must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art." (*See* M.P.E.P. § 2112; emphasis in original; and *see Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int'f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic.

While the anticipation rejections may not be agreed with, to facilitate matters, claims 12 and 21 have been rewritten to include the feature in which the composite lane information is derived at least partially based on at least one of the following: a preceding vehicle or an oncoming vehicle, tracks of a preceding vehicle, a lane boundary, a barrier or a guardrail, and a curb or other road edge structure.

It is believed and respectfully submitted that the Yamamura reference simply does not identically disclose (or even suggest) the feature of claims 12 and 21, as presented, in which the composite lane information is derived at least partially based on at least one of the following: a preceding vehicle or an oncoming vehicle, tracks of a preceding vehicle, a lane boundary, a barrier or a guardrail, and a curb or other road edge structure, so that these claims are allowable, as are their respective dependent claims.

As further regards claim 16, its specific feature (like new claim 23), *in which the composite lane information is derived at least partially based on tracks of a preceding vehicle*, is not identically disclosed (or suggested) by the applied reference.

Withdrawal of the anticipation rejections is therefore respectfully requested.

In sum, it is respectfully submitted that claims 11 to 22 are allowable.

New claims 23 to 27 do not add new matter and are supported by the present application, including the specification. Claim 23 depends from claim 21, and it is therefore allowable for the same reasons, and for the further reason that the specific feature of claim 23 (like claim 16) is not identically disclosed (or suggested) by the applied references.

Like claims 12 and 21, as presented, new claims 24 and 26 include the features *in which the other information includes at least one of the following: a preceding vehicle or oncoming vehicle, tracks of a preceding vehicle, a lane boundary, a barrier or a guardrail, and a curb or other roadway edge structure*, which are not identically disclosed (or even suggested) by the applied references, and they are therefore allowable for at least these reasons. Claims 25 and 27 respectively depend from claims 24 and 26, and they are therefore allowable for the same reasons as their respective base claims.

In sum, it is respectfully submitted that claims 11 to 27 are allowable.

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**CONCLUSION**

In view of the foregoing, it is respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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